

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-110

April 3, 2001

TELEPHONE ASSOCIATION OF MAINE,
Request for Waiver From Certain Provisions
Of Section 16(B) of Chapter 81

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

On March 21, 2001, the Telephone Association of Maine (TAM) filed a request for a waiver from section 16(B)(2)(3)(4)(8)(11)(12)(13)(14) and (15) of Chapter 81 of the Commission's rules for incumbent local exchange carriers. The basis of the request is to reduce the amount of information that incumbent local exchange carriers are required to provide on an annual basis to the Consumer Assistance Division (CAD). In this Order, we grant the requested waiver.

II. STANDARDS FOR GRANTING AN EXEMPTION UNDER SECTION 14(A)

The Commission may grant a utility's request to be exempt from one or more requirements of the Chapter 81 for all or a portion of the utility's service territory upon finding that compliance would be unduly burdensome and that granting the request would not undermine the purposes of the rule. The rule further requires that a request for exemption must be in writing and contain a complete explanation and justification for the exemption; the suggested alternative procedure, if any; and a description of how the request would not undermine the purposes of the rule.

III. TAM'S REQUEST

According to TAM, some of the information required by section 16(B) is unduly burdensome for incumbent local carriers to provide on an annual basis. Chapter 81, section 16(B) requires utilities to provide information regarding 15 categories of credit and collection activities on an annual basis. TAM states in its request that "many of the requirements either require a manual process, which may be costly and time consuming, or would require a computer program to gather and sort the information, which would be costly and time consuming." TAM specifically requests a waiver from the following:

- Section 16(B)(2) "The average residential customer bill per billing period."
- Section 16(B)(3) "The average number of residential accounts with overdue amounts per billing period."
- Section 16(B)(4) "The average dollar amount of residential overdue amounts per billing period."

- Section 16(B)(8) "The total number of payment arrangements negotiated by type."
- Section 16(B)(11) "The number of residential applications for service in which the utility demanded a deposit or payment arrangement according to section 4(G) (after the request for service, but within 60 days)."
- Section 16(B)(12) "The gross revenue from residential accounts."
- Section 16(B)(13) "The gross and net write-off for residential customers."
- Section 16(B)(14) "The number of cases and dollar amount of unpaid debt pursued through the court system or other means, the costs of collection by each method, with an identification of those accounts in which the utility could have but did not transfer the prior debt to a current account according to section 4(C) or 4(G)."
- Section 16(B)(15) "The total number of residential disputes handled."

The following information would still be filed on an annual basis:

- 16(B)(1) "The average number of residential accounts."
- 16(B)(5) "The number of actual residential disconnection notices issued per month."
- 16(B)(6) "The actual disconnections for non-payment and other reasons (except those at the customer's request per month)."
- 16(B)(7) "The number of reconnections following disconnections without consent per month."
- 16(B)(9) "The number of residential deposits requested and received and the average dollar amount."
- 16(B)(10) "The number of residential applications for service that were denied."

IV. DISCUSSION

TAM states in its request that the information that will continue to be provided on an annual basis will provide the CAD with sufficient information to fulfill the purposes of Chapter 81, and if the CAD needs any information for which TAM is requesting a waiver, the CAD has sufficient authority to obtain such information from a company on an "as-needed" basis. TAM further states that "the elimination of the portions of Chapter 81 as requested in its waiver request could save each company as much as 26.5 person-hours

annually...allowing the utilities to devote greater energy to serving their customers, and the purpose of the rule [Chapter 81] would in no way be undermined."

We agree with TAM's assertions. The information that will continue to be provided on an annual basis will provide the CAD with sufficient information to fulfill the purposes of Chapter 810. The information required by section 16(B)(2)(3)(4)(8)(14) and (15) is not needed by the CAD on an annual basis for all incumbent local exchange carriers, and if the CAD requires this information for a specific company, it can request that it be provided. In addition, the information required by section 16(B)(12) and (13) is currently provided to the Commission on an annual basis as part the annual report submitted by all utilities to the Finance Division of the Commission. There is, therefore, no need for the utilities to also submit the information to the CAD.

For all the above reasons, we conclude that TAM has met its obligation to demonstrate that compliance with the provisions of section 16(B) for which it has requested an exemption is unnecessarily burdensome and that the requested waiver does not undermine the purposes of the rule.

Accordingly, we

ORDER

1. That TAM's request for a waiver of Chapter 81 section 16(B)(2)(3)(4)(8)(11)(12)(13)(14) and (15) for incumbent local exchange carriers is granted; and

2. That incumbent local exchange carriers will continue to provide the information required by Chapter 81 section 16(B)(1)(5)(6)(7)(9) and (10) on an annual basis to the CAD.

Dated at Augusta, Maine, this 3rd day of April, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent

Diamond
NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.